

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HARRY SAMUEL,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 05-037-SLR
)	
FIRST CORRECTIONAL MEDICAL,)	
et al.,)	
)	
Defendants.)	

O R D E R

At Wilmington this 15th day of November, 2006, there being multiple pending motions;¹ and defendant First Correction Medical ("FCM") having filed an answer to the complaint and amended complaint (D.I. 2, 34, 74);

IT IS ORDERED that:

1. Plaintiff's motion for default as to all defendants (D.I. 56) is denied as moot, as all defendants have responded to the complaint and amended complaint.²

2. The motion to strike filed by defendant FCM (D.I. 79) is

¹The pending motions to dismiss filed by various State defendants (D.I. 53) and by defendant Correctional Medical Services, Inc. ("CMS") (D.I. 60) shall be addressed in a separate memorandum opinion and order.

²Defendant I.B.C.C. is hereby dismissed from the case, as the only claim asserted against this defendant, the classification claim, has been dismissed.

granted, as plaintiff's letters to the court (including D.I. 71, 72, 77) do not constitute pleadings which either the court or the parties need address.

3. The motion for protective order filed by defendant CMS (D.I. 85) is granted, pending disposition of the pending motions to dismiss.

4. The motion to compel discovery filed by plaintiff (D.I. 95) is granted in part only as to defendant FCM and only as to discovery requests numbered 2, 4, and 5. The responses to these requests shall be served on plaintiff and filed with the court **on or before December 15, 2006**. The court notes in this regard that, while the State defendants responded to plaintiff's discovery requests (D.I. 83, 93), the medical records filed do not seem to include those relating to the time period at issue, that is, September 2004 to September 2005. To the extent that any defendant has medical records relating to this time period or to the specific medical problem in dispute, those records must be filed under seal with the court **on or before December 15, 2006**.

5. With respect to defendant FCM and plaintiff:

a. All other discovery requests shall be served and filed **on or before January 16, 2007**.

b. Motions for summary judgment, along with opening briefs and, if any, affidavits and exhibits, shall be filed **on or before February 28, 2007**.

c. Answering briefs, with responding affidavits and exhibits, if any, shall be filed **on or before March 28, 2007.**

d. Reply briefs may be filed **on or before April 11, 2007.**



United States District Judge